



W. on Hickox  
Secretary for  
Environmental  
Protection



Gray Davis  
Governor

MINUTES OF  
REGULAR MEETING  
Thursday and Friday, July 12-13, 2001  
**REGIONAL WATER QUALITY CONTROL BOARD**

**Thursday, July 12, 2001, 2:00 p.m.**

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 2:05 p.m. on July 12, 2001, in the Morro Bay Veterans Memorial Building, 209 Surf Street, Morro Bay, California.

**1. Roll Call** ..... Office Technician Carol Hewitt  
[2:05 to 2:10 p.m.]

**Board Members Present:**

Chairman Gary Shallcross  
Vice Chair Leslie Bowker  
Vice Chair Bruce Daniels  
John Hayashi  
Jeffrey Young

**2. Introductions** ..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked parties wishing to speak to turn in testimony cards. Mr. Briggs noted that the State Board Liaison, Richard Katz, was unable to attend the meeting.

Supplemental Sheets for Item #4/Duke Energy Morro Bay, were mailed out on June 25, 27, and July 6.

**3. Public Forum** ..... Chair Shallcross

No parties participated in the public forum.

**4. Duke Energy LLC Morro Bay Power Plant** [Michael Thomas 805/542-4623] ..... Workshop

Executive Officer Roger Briggs announced that this was the second Board workshop on the Duke Energy Morro Bay Power Plant project and introduced staff.

Regional Board staff engineer Michael Thomas, presented a brief overview of the studies that were conducted for the once-through cooling water system and the study results. The overview included impingement, entrainment, and thermal effects studies. Mr. Thomas stated it is staff's opinion that: a) impingement rates are of relatively minor importance, b) entrainment rates are relatively high and important for several estuarine taxa and should be addressed, and

c) thermal effects are limited to about 600 feet of rocky shoreline along north Morro Rock. As to the thermal effects, staff and the Regional Board's independent scientists believe these effects are not unreasonable impacts. Staff recommended three alternatives be evaluated to address the entrainment impacts (dry cooling, an aquatic filter, and habitat enhancement). Staff presented a tiered approach in which Duke Energy would set up a habitat enhancement fund that could be reduced if entrainment levels were reduced. For example, if Duke Energy were to implement a system that reduced entrainment rates by 80%, the fund would be reduced by 80%.

Duke Energy presented its overview of the modernization project. Duke stated that if the dry cooling alternative were required, they would not pursue the project due to cost. Duke Energy presented information on the aquatic filter alternatives and stated that they believed this option to be the best approach. Duke Energy also stated that the Regional Board does not have the authority to require a mitigation fund, but that Duke Energy could offer to set up such a fund as part of a resolution with the Board.

Several members of the public spoke about the project (a list of all speakers is presented below). Some speakers encouraged the Board to seriously consider or require dry cooling as the best alternative because it would eliminate all impacts to the Morro Bay State and National Estuary. Some speakers stated that dry cooling is a reasonable option given Duke Energy's financial situation. Other speakers stated their opposition to dry cooling because it may include visual and noise impacts on the community. Several other speakers addressed related issues, including the thoroughness of the review process, the energy crisis, political pressures, the need to complete the process quickly, and the recent ballot measure resulting in voter approval of Duke Energy's power plant modernization project.

Regional Board members asked various questions about the impingement, entrainment, and thermal study results, specifically asking about the degree of biological impact. Staff and the Regional Board's independent scientists explained the impacts in terms of larval and adult organisms lost due to impingement and entrainment, and linear distance of shoreline affected and type of biological impacts caused by the thermal discharge. Staff also discussed the context for evaluating impacts, such as productivity loss and cascading food web affects versus population level impacts, the difficulty of detecting population level impacts, and the many other forces acting on the estuary, such as erosion, sedimentation, pollution from urban and agricultural runoff, boating and boating facilities, and dredging.

Board members also asked various questions regarding the alternatives analyses for the cooling water system. Board members commented that the alternatives analyses must be thorough. They asked staff to evaluate additional alternatives, such as "twice-through" cooling and combinations of cooling technologies, and the option of moving the discharge partially offshore. The Board also inquired on impacts

associated with each alternative system, such as noise, visual impacts, and water use. The Board asked questions and commented on the feasibility of the aquatic filter proposed by Duke Energy, asking about its effectiveness and prior use in marine systems.

The workshop concluded with Board members directing staff to be as comprehensive and detailed as possible regarding the cooling water alternatives analysis, and to provide more information on the aquatic filter alternative proposed by Duke Energy. Mr. Daniels also apologized to the CAPE representatives for the staff report's characterization of a CAPE comment as "alleged," since that word has the wrong connotation.

Speakers on July 12, 2001 Agenda Item 4, Duke Energy, Morro Bay Power Plant

Pete Raimondi  
Consultant the Regional Board

Greg Cailliet  
Consultant to the Regional Board

Andrew Trump, Director  
Duke Energy

Gary Grimm, Attorney  
Duke Energy

Wayne Hoffman, Environmental Manager  
Duke Energy

Brian Waters  
Duke Energy

Bruce Saldinger, Consultant  
Duke Energy

David Majer  
Tenera Environmental

John Barta  
Morro Bay Planning Commission

Dick Anderson  
California Energy Commission

Kae Lewis  
California Coastal Commission

Colby Crotzer  
Morro Bay City Council Member

Tom Laurie  
Coastal Alliance

Jack Beigle  
People for the Nipomo Dunes

Betty Forsythe  
Citizen

Bill Woodson  
Morro Bay Resident

Ken Vesterfelt  
Citizen

Jack McCurdy  
Coastal Alliance on Plant Expansion

Angie Miller  
Citizen

Peter Wagner  
Coastal Alliance on Plant Expansion

Richard Smith  
Citizen

David Nelson  
Morro Bay Resident

Nelson Sullivan  
Citizen

Babak Naficy  
Environmental Defense Center

James Maul  
Citizen

Henriette Groot  
Coastal Alliance on Plant Expansion

Robert Luellen, Sr.  
Citizen

Marla Morrissey  
Citizen

Orval Osborne  
Green Party

Dan Chia  
California Coastal Commission

Roger Anderson  
Mayor, City of Morro Bay

Mike Multari  
Morro Bay National Estuary Program

Lynda Merriel  
Citizen

Bryan Dempsey  
Environmental Defense Center

Chairman Shallcross adjourned the public meeting at 7:00 p.m.

Friday, July 13, 2001, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:35 a.m. on July 13, 2001, in the Conference Room of the Central Coast Regional Board Office, 81 Higuera Street, Suite 200, San Luis Obispo, California.

**5. Roll Call** ..... Office Technician Carol Hewitt  
(8:35-8:40 a.m.)

**Board Members Present:**

Chairman Gary Shallcross  
Vice Chair Leslie Bowker  
Vice Chair Bruce Daniels  
John Hayashi  
Jeffrey Young

**6. Introductions** ..... Executive Officer Roger Briggs

Executive Officer Briggs announced that Richard Katz, State Board Liaison, was unable to attend the meeting. He asked all interested parties to complete testimony cards and turn them in. Supplemental Sheets mailed out were for Items 12, 18, 25, 31, and 35. Mr. Briggs

introduced Jennifer Soloway, Paul Jagger, Carol Hewitt, and John Goni and noted that other staff would be introduced as their items came up. Cyndee Jones introduced Anna Johnson, Staff Services Analyst, a new staff member in the Administrative Unit.

**7. Approval of Minutes for May 17-18, 2001 Meeting** ..... Board Motion

**MOTION:** Bruce Daniels moved to approve the May 17-18, 2001 meeting minutes. **SECONDED** by Leslie Bowker. **CARRIED** – Unanimously (5-0)

**8. Public Forum** ..... Chair Shallcross

No parties participated in the public forum.

**9. Uncontested Items** ..... Board Motion

Executive Officer Briggs recommended the following changes to the consent calendar. Add to consent: Item 16/Cambria CSD Desal permit recision and Item 17/Shell Oil Co. permit recision, and Item 20/Ben Lomond Landfill, proposed change to Finding 20 (description of groundwater flow). Board Member Bowker also proposed a small editorial change on the landfill closures, Item 20, Pg. 7 under Provisions, Item 4. "vegetation shall have a rooting depth not in excess of the soil depth." Item 23/Money's Food Pacific

Mushroom Farm WDR's to add: a new specification #14 to state: "The wastewater process pond shall be fenced to exclude the public." Also note that the staff report comments on Item 23 should reflect that San Mateo County was notified, not Santa Clara County. Board Member Daniels requested that Item 18 be removed from the consent calendar. The remaining items proposed for the consent calendar are: 16, 17, 21, 22, 23, 24, 27, 28.



**MOTION:** Bruce Daniels moved to approve Items 16, 17, 21, 22, 23, 24, 27, and 28 with the proposed changes noted by Executive Officer Briggs. **SECONDED** by John Hayashi. **CARRIED – Unanimously (5-0)**

**10. MTBE Sites [Jay Cano 805/549-3699].....** Status Report

A written report was submitted for this item.

**11. Enforcement Report [Brad Hagemann 805/549-3697].....** Status Report

Executive Officer Briggs noted that the Enforcement Report was shorter due to the absence of a key staff

person. The report will be up-to-date and current by the next meeting in September.

**12. Richard Bock Individual System Discharge, Los Osos, San Luis Obispo County ..... Order No. 01-097 [Sorrel Marks 805/549-3695]**

Staff member Sorrel Marks summarized the history and possible alternatives available to the Board for resolving issues associated with failure of Mr. Bock’s nitrogen reduction treatment system (summarized in agenda Staff Report). Board Counsel Jennifer Soloway summarized the history of this exemption and explained the importance of maintaining requirements, which will assure Mr. Bock or a subsequent owner connects to the community-wide system when it

becomes available. Mr. Bock stated that he felt he had fulfilled his obligations to the Board and wanted the requirements rescinded (Alternative 4 in Staff Report and summarized in Supplemental Staff Report). After brief discussion of the options, the Board voted unanimously to adopt WDR Order No. 01-94 and CDO Order No. 01-97 as proposed in the Staff Report with clarifying language added to CDO Provision C.3 to assure ongoing maintenance of the septic system.

**MOTION:** John Hayashi moved to approve Cease and Desist Order No. 01-097 and Waste Discharge Requirements Order No. 01-194 with the clarifying language discussed. **SECONDED** by Bruce Daniels. **CARRIED – Unanimously (5-0)**

**13. Ms. Hano Burns, dba Bear Valley Chevron, Los Osos, San Luis Obispo County ..... Order No. 01-022 [Corey Walsh 805/542-4781]**

Mr. Corey Walsh, staff Associate Engineering Geologist, presented proposed Amendment No. 1 to Administrative Civil Liability Order (ACL) No. 01-022. The Board had issued the original ACL Order to Mrs. Hano Burns for failure to submit information required for the investigation and cleanup of the underground storage tank unauthorized release case located at 1099 Los Osos Valley Road, Los Osos. The proposed amendment would modify the required time schedule for submittal of two reports as follows: Site Investigation Report, due by August 30, 2001; and Cleanup and Alternatives Analysis Plan, due by December 21, 2001. Also, payment of the remaining liability would be suspended on the condition that Mrs. Burns submit all deliverables on the revised schedule.

Mr. Craig Drizin, consultant with Weber, Hayes, and Associates, consultant for Ms. Burns, indicated he agreed with the staff recommendation.

Mr. Lee Broshears, attorney representing Ms. Burns, also was in agreement with the staff recommendation.

The Board adopted proposed Amendment No. 1 of Order No. 01-022, with one correction of a typographical error (Two Thousand Five Hundred Dollars). The Board also directed staff to include an interim milestone into the time schedule (separate Cleanup and Abatement Order) between completion of the site investigation and development of a corrective action plan.

**MOTION:** Bruce Daniels moved to adopt proposed Amendment No. 1 of Order No. 01-022 with one correction of a typographical error (*two thousand five hundred dollars*) and to direct staff to include an interim milestone

into the Time Schedule (separate Cleanup and Abatement Order) between completion of the site investigation and development of a corrective action plan. **SECONDED** by Leslie Bowker. **CARRIED – Unanimously (5-0)**

*(Chair Shallcross announced a break at 9:55 a.m. The public meeting reconvened at 10:05 a.m.)*

**15. City of San Juan Bautista, San Benito County ..... Order No. 01-106**  
[Matt Fabry 805/549-3458]

Regional Board staff engineer, Matthew Fabry, gave a brief presentation about the proposed Cease and Desist Order, including background information about the City’s wastewater treatment facility, ongoing chloride effluent limitation violations, the City’s proposed corrective action plan, and penalty exceptions from mandatory minimum penalties. The Regional Board

inquired about many topics, including water softener usage within the City, the applicability of the penalty exception language, and alternative penalty exception options. Board Member Daniels expressed concern about the staff recommendation conforming with the penalty exception language.

**MOTION: Leslie Bowker moved to approve Cease and Desist Order No. 01-106. SECONDED by Jeffrey Young. CARRIED – (4 yes-1 no)** Daniels=voted no. Note: This item was re-opened after the lunch recess.

**18. City of Santa Cruz Wastewater Treatment Plant, Santa Cruz County ..... Order No. 00-044**  
[Todd Stanley 805/542-4769]

Board member Daniels requested that this item be removed from the consent calendar. Regional Board staff engineers Todd Stanley and Howard Kolb, and senior staff engineer Brad Hagemann addressed two questions posed by Mr. Daniels. Mr. Daniels inquired about the modification to pH monitoring requirements, noting that the City’s original letter did not request such a modification. Mr. Kolb acknowledged the oversight, and pointed out that the proposed monitoring revision should have been made to temperature monitoring. In addition, to promote consistency, Mr. Daniels questioned staff’s proposal to

change only some of the weekly sampling to every six days. He asked staff if it would be appropriate, from a technical standpoint, to change all weekly sampling to every six days, rather than only those parameters/constituents that the City had requested. Mr. Hagemann consulted the City representative present, Mr. Dan Seidel, as to whether such a change would be feasible. With the City’s agreement, Mr. Hagemann responded that such a change was technically appropriate, and feasible for the City.

**MOTION: Bruce Daniels moved to adopt Order No. 00-044 to include six day grab sampling of settleable solids and enterococci organisms and to change the typographical error on Table 2 (pH to temperature). SECONDED by John Hayashi. CARRIED – Unanimously (5-0)** Note: John Hayashi suggested keeping all the weekly samplings to a six day schedule.

**19. Landfill Unit Overview [Michael LeBrun 805/542-4645] ..... Status Report**

Associate Engineering Geologist John Robertson, Program Manager for the Landfill Unit, responded to questions presented by Regional Board members Jeffrey Young and Bruce Daniels. The questions addressed issues pertaining to the standard operating procedures of the Landfill Unit. The program update touched on the following topics:

- 1. Landfill Regulations- provide minimum compliance
- 2. Decrease in Landfill Program Funding - statewide and regional
- 3. Regional Landfill Overview (permitted sites)
  - a. Shift toward lined facilities with leachate collection and removal systems

- b. Implement landfill gas recovery systems
  - c. Focus on appropriate closure (final cover systems)
4. Landfill Design components

Following the program update, Board member Daniels asked if the protective soil layer is sufficient to minimize damage to HDPE or other liner components. Staff responded, "In general, yes", and then indicated that damage to the liner can typically be amended with a patch by an extrusion weld. In addition, staff indicated that any degradation of the liner system should be reported to the project manager.

In relation to Landfill Program funding, Board member Young asked about how we receive money from tipping fees. Staff indicated that it is collected in an account through the California Integrated Waste Management Board. Executive Officer Briggs then added that the funding is incorporated into our annual budget.

Board member Young asked if we control whether or not a landfill operator can continue to deposit waste

into an unlined portion of a landfill when we have detected groundwater impacts. Staff used the recent Santa Maria Landfill Order as an example, and concluded that we can force them out of unlined areas if they have demonstrated groundwater impacts.

In response to unlined, active landfills (9 of 19 permitted in region 3), Board member Young asked if Tajiguas was one of the 8 (out of 9 unlined sites) with repeated VOC groundwater impacts. Staff confirmed his assumption.

Board member Young asked if the newly formed landfill unit is fundamentally different from the previous program. Mr. LeBrun (DOD/LDU Supervisor) indicated that the new unit has evolved along with the industry into the new regulations, but that they are not doing things fundamentally different.

Board member Daniels commented on the quality of permits from the newly formed landfill unit and extended his appreciation for their consistency.

**25. Chateau Julien Winery, Monterey County ..... Order No. 01-070**  
[Matt Thompson 805/549-3159]

Matt Thompson, Regional Board staff, presented Order No. 01-070, for the reissuance of Waste Discharge Requirements for the Chateau Julien Winery, Monterey County. Mr. Thompson discussed Chateau Julien's compliance with existing Order No. 83-41, requirements changed and added to Order No. 01-070 (the Order), and amendments contained in the July 10, 2001 supplemental sheet. Mr. Thompson introduced the last requirement contested by Chateau Julien; whether the lower pH limit in ground water should be 6.0 or 6.5. The ground water lower pH limit proposed by Mr. Thompson was 6.5. Board members had various questions regarding the clarification of Mr. Thompson's justification for numerical limits (other than pH) contained in the Order.

Katherine Wagner, counsel to Chateau Julien, supported adoption of the Order, with exception to the proposed ground water lower pH limit. Bob Chrobak, technical consultant to Chateau Julien, provided justification for a ground water lower pH limit of 6.0. Mr. Chrobak also answered Board member's questions regarding the feasibility and timeframe for implementation of the prohibition of water softener

brine waste discharge. Bob Brower, owner of Chateau Julien, informed Board members of the obstacles involved with implementation of the prohibition. George Boehlert, president of the Carmel Valley Property Owners Association, expressed support for adoption of the Order. John and Janella Suwada, neighbors of Chateau Julien, expressed concern about Chateau Julien's past compliance history and elevation of total dissolved solids levels in their water supply well.

In order to clarify concerns raised by commentators, Mr. Thompson fielded multiple questions from Board members. Executive Officer Roger Briggs suggested that the pH limit remain 6.5, and that the averaging concept that is used for the total dissolved solids ground water limitation be applied to the ground water pH limitation. Jennifer Soloway proposed that a finding be added to the Order that recognizes the assimilative capacity of the aquifer beneath Chateau Julien, and the appropriateness of the averaging concept for assessing compliance with ground water limits.



**MOTION:** Bruce Daniels moved to approve Order No. 01-070 to include: 1) amendments contained in the supplemental sheet, 2) finding that recognizes the assimilative capacity of the aquifer beneath Chateau Julien, 3) the averaging concept language from the total dissolved solids ground water limit be applied to the pH ground water limit, and 4) that the prohibition of discharge of water softener brine waste be effective in three months. **SECONDED** by Leslie Bowker, **CARRIED – Unanimously (5-0)**

*(Chair Shallcross announced a lunch break and Closed Session meeting at 12:45 p.m. The public meeting reconvened at 2:15 p.m.)*

**MOTION:** Leslie Bowker moved to reopen Item No. 15 – Cease and Desist Order No. 01-106 for San Juan Bautista for reconsideration. **SECONDED** by John Hayashi. **CARRIED – Unanimously (5-0)** Note: Legal Counsel realized after the item was closed previously that an enforcement order requires a majority of the nine-member Board for approval, so the hearing on Order 01-106 was re-opened.

**MAIN MOTION:** Leslie Bowker moved to adopt Cease and Desist Order No. 01-106 for Item No. 15/San Juan Bautista. **SECONDED** by John Hayashi. **CARRIED – Unanimously (5-0)** Note: Bruce Daniels expressed concern with this action being in conformance with the penalty exception language, but was willing to accept the explanation provided by counsel.

**29. Military Facilities Update** [Michael LeBrun 805/542-4645] ..... Status Report

A written report was submitted for this item.

**30. Total Maximum Daily Load Program Overview** [Lisa McCann 805/549-3132] ..... Status Report

Lisa McCann, Supervisor of the Watershed Assessment Unit and Program Manager of Region 3’s Total Maximum Daily Load (TMDL) Program, presented a status report to the Board. She provided information on the staff and contract resources available for the program, identified the current TMDLs in progress, and described the tasks and activities involved in TMDL development. Ms. McCann also discussed some of the benefits and challenges of TMDLs.

by explaining that various best management practices will be required, that existing permit and other program authorities will be used to insure implementation of management measures, and that we will follow the three-tiered approach in the State Nonpoint Source Pollution Control Plan. Ms. McCann indicated that Implementation of TMDLs is a much broader topic that warrants additional discussion. Mr. Young requested a presentation and discussion on this topic at a future Board Meeting.

Board members asked several questions about how TMDLs will be implemented. Ms. McCann responded

**31. Water Quality Planning and Nonpoint Source Implementation** ..... Board Direction

Staff member Sorrel Marks described the process and criteria for prioritizing proposals for competitive ranking. Ms. Marks summarized the excellent proposals submitted for consideration and described the basis for recommended ranking of each proposal.

The following representatives of project proposals made brief presentations supporting their projects: Tom Lockheart (Cachuma RCD), Kim Busby (Cal Poly), Carey Cooper (Santa Cruz Co. RCD) and



Malcolm McEwen (Coastal San Luis RCD). The Board discussed the proposal ranking and grant award process.

**MOTION: Leslie Bowker moved to approve the rankings as presented. SECONDED by Bruce Daniels. CARRIED – Unanimously (5-0)**

**32. Statewide Strategic Planning [Roger Briggs 805/549-3140].....**Board Direction

Executive Officer Briggs asked the Board if they had any additional comments on the Draft Statewide Strategic Plan to pass on to the State Board. Once the plan is adopted it will identify key strategic projects within each of the six goals. The State Board asked each one of the Executive Officer’s and Assistant Executive Officer’s to express areas of interest for implementation of the Plan. Roger Briggs was assigned the Beaches Project and Paul Jagger was assigned the

Seawater Intrusion Project. The Board discussed the various goals of the Plan, and recommended that the main goals of the Plan should be water quality related, not administrative. Mr. Young also asked that pathogen source typing or improved source identification be a priority within the Clean Beaches Strategic Project. Mr. Briggs said he would carry the Board’s ideas forward in the Strategic Planning process.

**34. Reports by Regional Board Members.....**Status Report

Jeffrey Young reported on Santa Barbara County MTBE sites. The Board of Supervisors has asked their staff to provide a staff presentation at the end of August 2001. Mr. Young will attend the presentation. He is also meeting with Fire Protection Services

regarding Regional Board concerns on MTBE in Santa Barbara County. He asked if Regional Board staff would be available to participate in both meetings. Roger Briggs will coordinate with Mr. Young on the meetings.

**35. Executive Officer’s Report [Roger Briggs 805/549-3140].....**Information/Discussion

Low Threat Discharges are as follows: Santa Cruz Cannery Building/Moss Landing and Farm Services/Pajaro Waivers for Waste Discharge Requirements are as follows: Rucker Creek Sediment Removal Project/Gilroy, and Granite Construction Co./Greenfield. Cases Recommended for Closure are: Boggiato Packing Co./Castroville and USA Petroleum Site/Soquel.

regulation of the pH level, but that staff would evaluate the situation and report back to the Board.

Mr. Briggs discussed the Castroville Irrigation Project and an issue with the pH level of water utilized by farmers. The farmers have been adding acid to the water to counter-act the sodium content. The pilot project would allow the Monterey Regional treatment plant to go down to a pH level of 6.0 rather than 6.5. The plant will collect data and evaluate the pilot project. The Board asked about impacts on drinking water wells in the area. Mr. Briggs noted that the project would provide more controlled and safer

Mr. Briggs reported that the Los Osos vote for the Assessment District was passed by 83% of the voters. Rosemary Bowker, President, Los Osos Community Services District, thanked Regional Board staff for their hours of work, community outreach, and meeting attendance. She is very pleased that the community supported the project to such a great extent.

Roger Briggs and Gerhardt Hubner attended a meeting on the Arroyo Grande Creek Flood Control issue. The County will be able to proceed with their limited sand removal project and will be coming up with a long-term plan for flood control in concert with habitat protection in the Arroyo Grande Creek.

Mr. Briggs noted that Regional Board staff has written letters to sixty-six greenhouse operators in the

Carpinteria Salt Marsh watershed to regulate the wastewater discharges. The Regional Board is requiring the dischargers to either apply for a permit or stop the discharge. Michael Higgins noted that the County sent a letter to the Regional Board that stressed a need for a workshop and more coordination with the County. Jeffrey Young confirmed that the County would like to be more involved with the Regional Board on the issue. Chair Shallcross appointed a subcommittee of the Board to include Jeffrey Young and John Hayashi for participation in a planned greenhouse meeting in the Carpinteria area.

Mr. Briggs noted the Southern California Wetlands Recovery Project extends from the California/Mexico border to Point Conception in Santa Barbara County. Funds were allocated to several locations, including the Carpinteria Salt Marsh.

Mr. Marvin Niccum submitted photos and discussed changes that have occurred at the Buena Vista Mines, Inc. site. He said the site is in worse shape now than before the USEPA action. Mr. Hubner of Regional Board staff offered to show photos he had just taken that showed a different perspective, but the Chair asked that those be used in a future status report.

Mr. Stevan Lerner discussed his court case with Santa Barbara County and the previous owner of his property. He reported that the County won the case.

Mr. Michael Lerner discussed the lack of progress for a domestic water supply for the last two years. Mr. Young said he understood the jury seemed to be persuaded by Mr. Lerner's unwillingness to use wells offered. Mr. Lerner said that he now plans to use that water, but he wants some treatment for manganese. He has written a letter to Mr. Hernandez of the staff.

Chairman Shallcross adjourned the public meeting at 4:40 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its September 14, 2001 meeting in Salinas, CA.

The Board asked about the Corrective Action Plan Approval for the Mushroom Farms/Watsonville. The concern was for the existence of MTBE contamination in close proximity to a domestic well. Burton Chadwick noted that the presence of MTBE is moderately high but not high enough for action at this time, but will continue to be monitored. If concentrations increase or the wells are threatened, staff will require additional action.

Guadalupe Oil Field Settlement Water Quality Trust Project/Nipomo. The Board allocated funds to the County of San Luis Obispo to some Nipomo residents on Monarch Lane who built homes on an old oil sump that surfaced on their property. The Dept. of Toxic Substance Control (DTSC) took over the investigation and project lead. Mr. Briggs recommended that the Board actually allocate the funds to the DTSC after they have used their funds for the cleanup project. If DTSC does not use the allocation, the funds will return to the Guadalupe Oil Field Settlement fund. The Board members supported the recommendation.

Mr. Briggs reported that petitions filed on the Duke Energy/Moss Landing Power Plant permit and the El Estero Wastewater Treatment Plant/Santa Barbara were dismissed by the State Board.

The off site Board meeting was very successful and was productive. Staff is following up on several procedural items from the meeting. Jeffrey Young suggested having two offsite meetings each year.



Gary Shallcross, Chair